

Technical Assistance and Consultation Manual
for
Day Care Family and Group Home Rules

Family Independence Agency
Office of Children and Adult Licensing

Home Rules Table of Contents

RULE		PAGE
R400.1802 (1)(b)	Appropriate care and supervision	1
R400.1802 (1)(b)	Appropriate care and supervision-- Water activities	3
R400.1802 (1)(c)	Caregiver present majority of time	5
R400.1802 (1)(d)	Emergency person	6
R400.1802 (1)(f)	Personal fitness statement	7
R400.1802 (1)(g)	License/registration posted	8
R400.1802 (3)	Care-giving staff of responsible character	9
R400.1802 (6)	Good moral character/suitability of day-care home family	10
R400.1803 (1)(a)(b)(c)	Ratio of care-giving staff to children	11
R400.1804 (1)	Discipline--written policy	12
R400.1804 (2)	Discipline methods prohibited	13
R400.1804 (3)	Discipline--moderate restraint	14
R400.1805 (1)	Daily needs/activities; toilet training	15
R400.1805 (2)(a)(b)(c)	Daily activity program	16
R400.1805 (3)	Parents allowed to visit	17
R400.1806 (1)	Play equipment	18
R400.1806 (2)	Sleeping equipment	20
R400.1806 (3)	Sleeping equipment--12 months & younger	21
R400.1806 (4)	Working telephone	22
R400.1807 (1)	Notification of accidents, illness, disease	23
R400.1807 (2)	Notification of communicable disease	24
R400.1807 (3)	Isolation of ill children	25
R400.1807 (4)	Bedding for individual use	26
R400.1809 (c)	Children's immunization records	27
R400.1809 (e)	Health record waiver for religious reasons	28
R400.1810 (a)	Medication--prior written permission	29
R400.1811	No contact due to communicable disease	30
R400.1812 (1)(a)	Physicals for care-giving staff	31
R400.1812 (1)(b)	TB for care-giving staff	32
R400.1813 (1)(a-h)	Record maintenance--child information card	33
R400.1813 (1)(i)	Medical treatment waiver for religious reasons	34
R400.1814 (1)	Indoor space requirement	35
R400.1814 (2)	Approved space	36
R400.1814 (3)	2 contiguous floors	37
R400.1815 (1)	Nighttime care	38
R400.1816 (2)	Concurrent licensing	39
R400.1818 (1)	Rule variance	40
R400.1821 (1)	Food--nutritional	41
R400.1821 (2)	Food--prepared and stored safely	42
R400.1821 (3)	Food agreement with parent	43

R400.1821 (4)	Home-canned foods/pasteurized milk	44
R400.1822 (1)	Home maintenance & safety--premises	45
R400.1822 (2)	Home maintenance & safety--hazardous materials	47
R400.1822 (3)	Home maintenance & safety--steps, stairs and elevated structures	48
R400.1822 (4)	Home maintenance--water supply	49
R400.1831 (1)	Heat-producing equipment--protect against burns	50
R400.1831 (2)	Heat-producing equipment--combustibles	51
R400.1831 (4)	Furnace inspection	52
R400.1831 (5)	Furnace inspection at renewal	53
R400.1832	Electrical service	54
R400.1833 (1)	Exits--remote	55
R400.1833 (2)	Exits--window	56
R400.1833 (3)	Exits--above second floor	57
R400.1834 (a)(b)(c)	Smoke detectors	58
R400.1834 (d)	Fire extinguishers	59
R400.1835 (1)(a)(b)(c)	Evacuation plans	60
R400.1835 (3)	Fire & tornado drills	61
R400.1835 (5)	Fire alarm	62
R400.1841 (3)	Transportation	63
R400.1842	Field trips	64
R400.1851 (a)	Training--Family home	65
R400.1851 (b)	Training--Group home	66

R400.1802 Care-giving staff and day-care home family; qualifications and responsibilities

(1) A caregiver shall comply with all of the following provisions:

- (b) Be responsible for providing appropriate care and supervision of children at all times.

TECHNICAL ASSISTANCE

When providing care for other people's children, the licensee/registrant has a responsibility to meet the basic needs of each individual child and to assure their safety and well being. Providing appropriate care and supervision of all children and maintaining the required adult/child ratio is necessary to achieve this.

The day care provider is responsible and accountable for:

- Carrying out the duties as a caregiver, using reasonable judgment.
- Everything that goes on in the home, including those times when children are left in the care of an assistant or substitute.
- Providing a program that meets the developmental needs of all children in care.
- Interacting with each child in a positive manner.
- Assuring that there is adequate supervision for every child in care at all times.
- Knowing the whereabouts of each child at all times.
- Knowing what activities the children are engaged in.
- Being close enough to the children to provide for their safety.

The following factors should be considered in determining the appropriate level of supervision:

- | | |
|---|-----------------------------|
| z Ages of children | z Number of children |
| z Activities taking place | z Special needs of children |
| z Areas being used | z Field trips |
| z Water activities | z Outdoor hazards |
| z Abilities of caregivers and assistant caregivers | |
| z Ability of children to exit an area without adult supervision | |

Visiting children (friends of the licensee/registrant's children, neighborhood children, etc.) present supervisory issues. The licensee/registrant needs to assure that:

- z They do not require direct care and supervision.
- z The parents are at home and available should the children need to be sent home.
- z They are not interfering in any way with the care and supervision of the day care children or taking away from adequate space and equipment.

R400.1802 Care-giving staff and day-care home family; qualifications and responsibilities (cont.)

CONSULTATION

The following best practices are recommended:

Assure that lighting in the napping area is sufficient to enable the caregiver to observe children at all times.

A temporary absence from the children in care should be short and generally not exceed five minutes. Toileting of a child or a caregiver, or attending to an injured or ill child are examples of acceptable temporary absences.

BRS PUBLICATION 687--*Keeping Track at all Times: Preventing Lost Children* (available on the Department's website)

BRS PUBLICATION 688--*Biting What Can I Do To Stop It* (available on the Department's website)

BRS PUBLICATION 685--*Animals and Children: Friends or Foes* (available on the Department's website)

BRS PUBLICATION 689--*Fussy Baby* (available on the Department's website)

R400.1802 Care-giving staff and day-care home family; qualifications and responsibilities

- (1) A caregiver shall comply with all of the following provisions:
 - (b) Be responsible for providing appropriate care and supervision of children at all times.

TECHNICAL ASSISTANCE FOR WATER ACTIVITIES

Water activities conducted by day care homes are play activities where children are allowed to enter the water under adult supervision by playing in swimming pools in the backyard, other swimming areas at lakes or public beaches, or in small wading pools. It also includes any other activities where children are in or on the water.

NOTE: The U.S. Consumer Product Safety Commission had identified the use of heated hot tubs/spas and the use of jets in hot tubs/spas as hazardous for children. They are not considered safe or appropriate water activities for children.

Careful supervision and monitoring of children during all water activities is extremely critical.

During water activities the licensee/registrant is responsible and accountable for:

- Providing direct supervision at all times to children engaged in water activities, or in the water activity area.
- Assuring appropriate supervision of children who are engaged in non-water activities away from the immediate water activity area.
- Assuring that all children engaged in water activities can be easily observed.
- Assuring that telephone usage and other distractions are limited to emergencies.
- Assuring the water activity is appropriate, and checking the water activity area for general safety.
- Assuring that inflatable toys and rings are used for play purposes only and not as safety devices.
- Assuring the adult to child ratio is being maintained for all children in care.

CONSULTATION FOR WATER ACTIVITIES

Important Facts about water activities:

- According to the US Consumer Products Safety Commission, an estimated 260 children under 5 years of age drown each year in residential swimming pools and spas.
- Drowning is the second leading cause of accidental deaths of children 5 and under.
- A child can drown in less time than it takes to answer the telephone. (Irreversible brain damage can occur in 3-5 minutes.)
- A child can drown in as little as 2 or 3 inches of water.
- Twenty-five percent of all drowning victims have had swimming lessons.

R400.1802 Care-giving staff and day-care home family; qualifications and responsibilities

- (1) A caregiver shall comply with all of the following provisions:
- (b) Be responsible for providing appropriate care and supervision of children at all times.

CONSULTATION FOR WATER ACTIVITIES (cont'.)

The following best practices are recommended:

- Limit the number of children in the water at any one time based on the ages of children, number of non-swimmers, and special needs of individual children.
- Assure that a CPR-trained adult is supervising children in the water activity area.
- Assure that children are familiar with the rules for behavior in and around the water activity area.
- Always obtain written permission from the parents before taking children to a water activity area.
- Assure that there is always a reach pole or other water safety equipment alternative available to assist a person in difficulty.
- Assure that only strong swimmers are permitted to use, with caution, diving boards and water slides.
- Assure that the water is tested regularly in swimming pools and that chemicals are used according to the manufacturer's guidelines.
- Always empty wading pools after the last play period of the day or when they become dirty.
- Assure that a serious accident or injury plan includes steps to be taken if a child is injured in the water, does not come up to the surface, or appears to have drowned.
- Know the water depths and/or strength of currents when in natural water settings.
- Assure that assistant caregivers are aware of these issues when they are responsible for supervising children during water activities.

R400.1802 Caregiving staff and day-care home family; qualifications and responsibilities.

- (1) A caregiver shall comply with all of the following provisions:
- (c) Be present in the home and provide direct care and supervision to each child for the majority of time the child is in care.

TECHNICAL ASSISTANCE

“Majority” means 51% daily for each child, including children enrolled part-time. It is allowable for a licensee/registrant to have a periodic absence from the home, as long as each child, each day, receives 51% of his/her care from the licensee/registrant.

A two-week absence due to a vacation or a medical situation is reasonable as long as a responsible, suitable adult is left in charge and is able to meet the needs of the children.

When there is more than one licensee on the license:

- At least one of the licensed caregivers must provide direct care and supervision 51% of the time, OR
- The two licensees may split the 51% time between them.

Circumstances under which a variance may be required:

- Absences of longer than a two-week duration.
- Situations where a provider is temporarily unable to meet the “daily majority” requirement.

CONSULTATION

The following best practices are recommended:

- Notify parents whenever someone other than the licensee/registrant will be providing the care and will be responsible for the children.

R400.1802 Care-giving staff and day-care home family; qualifications and responsibilities.

(1) A caregiver shall comply with all of the following provisions:

- (d) Have an arrangement with a person who is 18 years of age or older to assist as a care-giving staff person in an emergency situation.

TECHNICAL ASSISTANCE

The licensee/registrant is responsible and accountable for:

- Assuring that an individual is available and in close proximity to the day care home.
- Assuring that the individual is available to assist in an emergency.
- Assuring that the individual has been notified of this arrangement.

CONSULTATION

The following best practices are recommended:

- Assure the emergency person is familiar with the daily operation of the day care, including the location of children's records.
- Train the emergency person to handle emergency situations that may arise in the day care home.

- (1) A caregiver shall comply with all of the following provisions:
- (f) Provide the department with a written statement verifying a person's personal fitness to care for, or to be associated with, children for any person who lives in a home or who cares for children and who has been treated on an inpatient or outpatient basis for an emotional or mental problem during the last 2 years. Such statement shall be obtained from the medical or mental health professional who is directly involved in the treatment plan or the administrative director of the mental hospital or mental institution.

TECHNICAL ASSISTANCE

"Emotional or mental problem" generally refers to a substantial disorder of thought or mood which significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life.

This definition would not normally include individuals with personal problems who are receiving counseling to help cope with death, divorce, job change, etc., or for help with child behavior management skills. If it is or becomes apparent that personal problems are impacting on the care and supervision of children, the Department can request a written statement from a mental health professional verifying a person's fitness to care for or be associated with day care children.

This rule also pertains to foster care children living in day care homes. If the foster child is being treated or has been treated during the past two years of placement, a mental health statement is needed from the professional treating the child. The statement should address the foster child's appropriateness to be with day care children.

R400.1802 Care-giving staff and day-care home family; qualifications and responsibilities.

- (1) A caregiver shall comply with all of the following provisions:
 - (g) A current license or certificate of registration shall be posted in a conspicuous place.

TECHNICAL ASSISTANCE

A conspicuous place means a location where parents and others are likely to see it.

R400.1802**Care-giving staff and day-care home family; qualifications and responsibilities.**

- (3) A care-giving staff member shall be of responsible character and shall be suitable and able to meet the needs of children and provide for their care, supervision, and protection.

TECHNICAL ASSISTANCE

Per R400.1801(c), Definitions, a care-giving staff means “the caregiver and any assistant caregiver.”

Responsible character means the care-giving staff is able to:

- Distinguish between right and wrong.
- Think and act rationally.
- Be accountable for one's own behavior.
- Be dependable, reliable, and able to pay debts or meet business obligations.

Suitable means the care-giving staff:

- Is truthful to the department and the public.
- Does not have a criminal or protective services history which could affect the safety or welfare of day care children.
- Is capable of making appropriate judgments.
- Is knowledgeable of the developmental needs of children of varying ages.
- Conducts self in a way so that rule requirements are met.

CONSULTATION

The following best practices are recommended:

- The licensee/registrant is responsible for determining the suitability of assistant caregivers.
 - Checking references is one way to accomplish this.
 - The Michigan State Police Internet Criminal History Access Tool (ICHAT) is available for criminal record checks. This search does not include federal arrests or criminal records from other states. Go to www.michigan.gov for further information.

R400.1802 Care-giving staff and day-care home family; qualifications and responsibilities.

- (6) The day-care home family shall be of good moral character and be suitable to assure the welfare of children.

TECHNICAL ASSISTANCE

Per R400.1801(g) Definitions, a day-care home family means “all persons living, on an ongoing or intermittent basis, in the family or group day-care home.”

Good Moral Character is assessed on the licensee/registrant based on the Good Moral Character Statute (Appendix A)

Suitability is assessed on the licensee/registrant and all household members. Suitable means the day care home family:

- Does not have a criminal or protective services history, which could affect the safety or welfare of day care children.
- Is truthful to the Department and the public.
- Does not present a risk to day care children.

When a licensee/registrant becomes licensed as a children's foster home, all foster children placed in that home are considered part of the day care home family.

The day care provider is responsible and accountable for assuring that the foster children will not present a risk to the day care children.

CONSULTATION

The following best practices are recommended:

- Notify the Department when foster children placements are made.

R 400.1803**Ratio of care-giving staff to children.**

- (1) The ratio of care-giving staff to children present in the home at any one time shall be not less than 1 care-giving staff member to 6 children. The ratio shall include all unrelated children in care and any of the following children who are less than 7 years of age:
- (a) Children of the assistant caregiver.
 - (b) Children of the caregiver.
 - (c) Children related to any adult member of the day-care home family by blood, marriage, or adoption.

TECHNICAL ASSISTANCE

Ratio is determined by the number of children per caregiving staff.

Related is defined as a child related to the provider/adult household member that is a parent, grandparent, brother, sister, stepparent, stepsister, stepbrother, uncle, aunt, cousin (second), great aunt, great uncle, or step grandparent related by marriage, blood, or adoption. Cousin is defined as the relationship between the provider and the child in care.

Foster care children are treated as the licensee/registrant's own children. The licensee/registrant's own children under 7 years of age are not included in the ratio if a spouse or other person is home and supervising these children.

Overlapping children, which puts the number of children above the licensed capacity, is not permitted at any time.

Visiting children (friends of the licensee/registrant's children, neighborhood children, etc.) are not counted in the license capacity or ratio as long as:

- They do not require direct care and supervision.
- The parents are at home and available should the children need to be sent home.
- They are not interfering in any way with the care and supervision of the day care children or taking away from adequate space and equipment.

CONSULTATION

The following best practices are recommended:

- Schedule children carefully so there are no overlaps.
- State clearly to parents that overlapping above the license capacity is not allowed.
- Encourage parents to develop a separate back up care plan.
- Keep good schedule/attendance records.
- Plan for visiting children on days when fewer day care children are present.

- (1) A caregiver shall review with a parent the methods of child handling and discipline to be used with children in care. This policy shall not include any child handling or disciplinary methods that are prohibited by law or these rules. This policy shall be in writing and provided to all parents of children in care. The provider shall keep a signed statement on file which states that a parent has received a copy of the policy.

TECHNICAL ASSISTANCE

The day care provider is responsible and accountable for:

- Describing in the written policy how caregivers will manage children's behavior by using positive methods of discipline and encouraging children to develop self-control.
- Assuring that the policy addresses methods that are appropriate for children of different ages and levels of understanding.
- Assuring that the policy states that physical punishment or other prohibited methods will not be used even if the parents give permission.

CONSULTATION

The following best practices are recommended:

- Positive methods of discipline include:
 - Distracting the child's attention from the unacceptable activity to a constructive one.
 - Talking to the child about the feelings he/she is having.
 - Suggesting other solutions to the problem the child is having.
 - Removing the child from the source of the conflict.
- The provider may use the *Child in Care Statement* (BRS-3900) to verify the parent's receipt of the written discipline policy as required by this rule (available on the Department's website)
- BRS PUBLICATION 331--*Child Management for Parents and Caregivers* (available on the Department's website).

- (2) All of the following methods of handling children in care are prohibited.
- (a) Physical force or any other form of corporal punishment, including spanking.
 - (b) Restricting a child's movement by binding or tying him or her.
 - (c) Using mental or emotional cruelty as a means to discipline a child.
 - (d) Withholding necessary food, rest, or toilet use.
 - (e) Confining a child in an area such as a closet or locked room.

TECHNICAL ASSISTANCE

Discipline is not just getting a child to "mind". It involves helping a child to gain control over his or her own behavior. Children act best when they know the rules and when they know that you expect the rules to be followed. Positive discipline methods will help a child toward self-discipline and independence.

The day care provider is responsible and accountable for:

- Assuring that spanking or any other form of hitting a child is not used even if parents give verbal or written permission.
- Assuring that a child's movement is not restricted by the use of a harness or leash.
- Assuring that a strapping device is used on high chairs or handicapper chairs in order to stabilize the child in that type of chair and not used for punishment or discipline.
- Assuring that firm and consistent expectations are given that do not cause children to feel shame or humiliation.

CONSULTATION

The following best practices are recommended:

- Positive methods of discipline include:
 - Distracting the child's attention from the unacceptable activity to a constructive one.
 - Talking to the child about the feelings he/she is having.
 - Suggesting other solutions to the problem the child is having.
 - Removing the child from the source of the conflict.
- Assure there is a relationship between the behavior and the discipline method being used.
- Assure that time out is not used as a punishment or threat or to excess. It should be reserved for use as a means to assist the child in regaining self-control.
- BRS PUBLICATION 689-- *Fussy Baby* (available on the Department's website)

- (3) Moderate restraint may be used to prevent a child from harming himself or herself, to prevent a child from harming other persons or property, or to allow a child to gain control of himself or herself.

TECHNICAL ASSISTANCE

Moderate restraint means physically holding a child to keep him from kicking, punching or causing himself or others harm, until he is in control again. Care must be given that the child is not held with undue physical force.

R 400.1805**Daily activity program.**

- (1) A caregiver shall review the child's daily needs and activities, including toilet training, with a parent or parents.

TECHNICAL ASSISTANCE

The day care provider is responsible and accountable for:

- Assuring that each child's daily needs and activities are discussed with the parents.
- Assuring that toilet training is planned jointly with the parents to provide consistency in this process between the child's home and the day care home.
- Assuring that toilet training occurs when the child is showing signs of readiness.

CONSULTATION

The following best practices are recommended:

- Make parents aware of what activities their children are involved in, such as water activities and all out of home excursions.
- BRS PUBLICATION 686--*Toilet Learning and the Toddler* (available on the Department's website)

R 400.1805**Daily activity program.**

- (2) A caregiver shall provide a daily routine and activities in accordance with the age and needs of the individual child, including all of the following:
- (a) Active and quiet play.
 - (b) Indoor and outdoor play as weather permits.
 - (c) Rest or sleep, or both.

TECHNICAL ASSISTANCE

The day care provider is responsible and accountable for:

- Assuring that all children, including infants, are taken outside on a daily basis as weather permits.
- Assuring that children do not become overheated or excessively chilled.

Note: A violation should only be cited if there is indication of on-going non-compliance, rather than an observation of a single day.

CONSULTATION

Cold weather does not make children ill. Studies have indicated that children, who are taken outdoors, even during cold weather for short periods of time, have fewer incidences of respiratory illnesses. Being outdoors in the fresh air helps children to stay healthy.

It is recommended that the following be taken into account when deciding about outdoor play:

- Wind-chill factor/temperature
- Severe weather conditions (i.e., lightning, heavy rain or snow, tornado watches/warnings)
- Degree of shelter there is from the wind
- Humidity levels/temperature
- Appropriate clothing for conditions
- Ages of the children
- Degree of sunshine or available shade
- Length of time of the play period
- Play activities planned
- Local community practices, health department advice, local school weather guidelines
- Knowledge regarding weather related symptoms children may exhibit such as heat or sunstroke, sunburn, dehydration, frostbite, hypothermia, etc.
- BRS PUBLICATION 95--*Rhythm, Rhymes and Happy Times* (available on the Department's website)
- BRS PUBLICATION 90--*Infants* (available on the Department's website)
- BRS PUBLICATION 92--*Toddlers* (available on the Department's website)
- BRS PUBLICATION 93--*Preschoolers* (available on the Department's website)
- BRS PUBLICATION 94--*Kindergarteners* (available on the Department's website)
- BRS PUBLICATION 91--*School-Age Children* (available on the Department's website)
- BRS PUBLICATION 96--*Working with Children Who Have Special Needs* (available on the Department's website)

- (3) A home shall permit parents or legal guardians to visit at any time children are in care.

TECHNICAL ASSISTANCE

Unless custody has been established by a court action, one parent may not limit the other from visiting the child or picking the child up from the day care home. The child information card that the enrolling parent signs states "persons other than parent..." The licensee/registrant has no legal right to withhold a child from a parent, unless there has been court action, which limits one parent's right to the child.

CONSULTATION

The following best practices are recommended in dealing with child custody conflicts:

- Maintain the role of the child's advocate.
- Limit any discussion with either parent to the child and the effects the conflict may be having on the child.
- Limit all discussions with the parent to a time when the child is not present.
- Request a copy of the judge's order that establishes custody.
- Do not answer questions regarding the child over the phone.
- If the non-custodial parent wishes to obtain information regarding the child, schedule an appointment and require identification.
- If you are approached by the Friend of the Court to comment on the child's situation, respond only to those issues you are comfortable with. It is certainly within your right to say "I have no opinion on this issue," or "I choose not to answer that question".

R 400.1806 Play equipment; sleeping accommodations; telephone access.

- (1) A variety and number of toys, games, and other play equipment shall be available to the child and shall be safe and appropriate for a child at his or her stage of development.

TECHNICAL ASSISTANCE

The day care provider is responsible and accountable for:

- Assuring that children's toys, games and play equipment will provide them with developmental opportunities that assist in developing manual dexterity, eye-hand coordination, spatial relationships, large muscle coordination, language skills, math and science concepts, social relationships, and prewriting and pre-reading skills.
- Assuring that the number of toys, games and other play equipment necessary is based on the number of children the caregiver is registered/licensed to receive at one time.
- Assuring that additional toys, games and other play equipment are available so broken equipment can be replaced and the children have more choices.
- Assuring that a sufficient number of toys, games and other play equipment are accessible to children without direct adult assistance.
- Assuring that all toys, games and other play equipment, are clean, safe, and in good repair.
- Assuring that all outdoor play equipment is safe and in good repair.
- Assuring that all shelves and containers are sturdy, stable and free of hazards.
- Assuring that all toys, games, and other play equipment are appropriate for a child at his/her stage of development by being challenging and interesting, yet not so difficult as to cause the child stress or anxiety.

CONSULTATION

The following best practices are recommended:

- A guideline for determining the amount of indoor equipment needed is a minimum of 3 play spaces per child. This assures that if a child wants to change his/her play item or activity, there is another one available without having children switch or share toys.
 - A play space is a piece(s) of equipment that one child can use independently for about 15 minutes.
 - Activity areas (housekeeping, dramatic play, blocks, art) can vary from 2 to 4 play spaces, depending upon the amount of equipment, accessories, and space available.

Type of Equipment	# of Play Spaces
3 puzzles	1
3 small cars/trucks	1
3 books	1
3 balls	1
Set of lego's	1-2
Board games	2-4
Computer activities	1-2
1 or more sets of building blocks	1-2

CONSULTATION (cont'd)

- Equipment may be purchased new or used, or made.
- Place equipment on low, open shelves, in containers, on a table, or floor easily within a child's reach.
- Immediately remove, replace or repair any equipment in need of repair or equipment with missing pieces.
- Trampolines present a safety hazard and have the potential for serious injury according to the American Academy of Pediatrics and the Consumer Product Safety Commission. Trampolines are not recommended for day care settings.

- (2) Each child shall have an individual, comfortable, safe, and clean place to sleep or rest. The floor shall be used only when padded, warm, and free from drafts.

TECHNICAL ASSISTANCE

The day care provider is responsible and accountable for:

- Assuring that each child's individual place to sleep or rest is one that is used in a manner for which it is intended: Single or twin bed or crib = 1 child per bed; double, queen or king bed = 2 children per bed; play pen = 1 child. Bouncy seats, strollers, infant car seats, baby swings, and bean bag cushions are not considered sleeping equipment.
- Assuring that the individual place is comfortable with proper and clean bedding.
- Assuring that mats, blankets, slumber bags or similar items are used as padding when children nap or rest on the floor.
- Assuring that cribs are stable, clean, in good condition and repair.
- Assuring the safety of cribs with:
 - A tight fitting mattress.
 - Mattress support hangers that are secured in the hooks attached to corner posts.
 - Corner posts that are flush with end panels.
 - Slats on the side rails that are no more than 2 3/8 inches apart.
 - Sides that are high enough so a child cannot tumble out.
 - Sides are firmly secured and latched in the up position to prevent a child from being trapped between the mattress and the sides.
 - A frame and headboard that is strong and securely supports the mattress.
 - Drop side latches that cannot be released accidentally or by the child.
 - Tightly securing plastic teething guards to the rail
 - Routine checks for damaged and broken areas, peeling paint, broken plastic and properly tightened nuts, bolts, and screws.
- Plastic bags must not be used as mattress covers as a child could remove the sheet and suffocate while playing with the bag.
- The Consumer Product Safety Commission warns of suffocation risk to children under 30 months who are placed to sleep on bean bags, water beds, or futons.

CONSULTATION

The following best practices are recommended:

- Keep all hanging toys and mobiles out of the child's reach and remove them from the crib when the child is able to push up on his/her hands and knees.
- Remove bumper pads as soon as the child starts pulling up into a standing position.
- Remove all pillows, stuffed animals or other sizeable toys or objects to avoid entanglement, suffocation, and a child using them as steps to climb out.

- (3) A child who is 12 months of age or younger shall sleep or rest in a crib or playpen.

TECHNICAL ASSISTANCE

Portable cribs, bassinets, cradles, etc. may be used if safe and appropriate for the age and size of the child.

CONSULTATION

The following best practices are recommended to reduce the risk of infant death due to SIDS or suffocation:

- Lay an infant to sleep on his/her back.
- Provide a crib with a firm, tight-fitting mattress and sheets that fit tightly.
- Avoid the use of pillows, bumper pads, stuffed toys, etc., as these have the potential to trap air and cause suffocation.
- If a blanket is used, the infant should be placed at the foot of the crib with a thin blanket tucked around the crib mattress, reaching only as far as the infant's chest.
- An infant's head should remain uncovered during sleep.
- Provide a smoke-free environment, as smoke around children has been associated with SIDS.
- Assure that a sleeping infant is not overheated, and that the room is at a comfortable temperature.

R 400.1806 Play equipment; sleeping accommodations; telephone access.

(4) A working telephone shall be accessible on the premises.

TECHNICAL ASSISTANCE

The day care provider is responsible and accountable for:

- Assuring that if a cell phone or portable phone is used in place of a land-line phone, it is always charged, turned on and available at all times during the day care hours of operation.

R 400.1807 Parent notification of accidents, illness, or disease required; isolation; sanitation.

(1) A caregiver shall promptly report to a parent any accidents, suspected illness, or other changes observed in the health of a child.

TECHNICAL ASSISTANCE

The day care provider is responsible and accountable for:

- Attending to the needs of the sick or injured child as the first priority.
- Assuring the parent is called as soon as possible once the child's immediate needs have been met.

R 400.1807 Parent notification of accidents, illness, or disease required; isolation; sanitation.

(2) A caregiver shall notify a parent of a child who is exposed to a communicable disease so that the child may be observed for symptoms of the disease.

TECHNICAL ASSISTANCE

Under Federal Law it is prohibited to share information with other parents if a child has TB, HIV or Hepatitis B.

CONSULTATION

BRS PUBLICATION 111--*Communicable Diseases* (available on the Department's website)

R 400.1807 Parent notification of accidents, illness, or disease required; isolation; sanitation.

- (3) A care-giving staff member shall isolate a child who is too ill to remain in the group in an area where the child can be supervised and made as comfortable as possible.

TECHNICAL ASSISTANCE

The day care provider is responsible and accountable for:

- Assuring that a child too ill to remain in the group is separated enough from the well children to further prevent a spread of that illness to the other children.
- Assuring that an isolated child can be adequately supervised when separated from the group.

CONSULTATION

The following best practices are recommended:

- It is within the provider's discretion whether or not to permit ill children to attend day care.
- A policy regarding ill children is advisable and should be communicated to parents.

- (4) Bedding that is used by an individual shall be laundered. Toys, utensils, a toilet, and a lavatory used by an ill individual shall be appropriately cleaned before being used by another child.

TECHNICAL ASSISTANCE

The day care provider is responsible and accountable for:

- Assuring that all stuffed toys and dress-up clothing can be laundered in hot water when soiled by children. Otherwise, they should be discarded.
- Assuring that all toys are washed, rinsed, and sanitized when contaminated with saliva, vomit, feces, urine, nasal discharge or other bodily discharges.

CONSULTATION

The following best practices are recommended for cleaning and sanitizing:

- Wash surface or article vigorously with warm water and detergent.
- Rinse with clean water
- Submerge, wipe or spray with a solution of one (1) tablespoon of chlorine bleach in one (1) gallon of warm water.
- Sun or air dry
- BRS PUBLICATION 111 – *Communicable Diseases* (available on the Department's website).

NOTE: Chlorine bleach is recommended since it is readily available, inexpensive, effective and safe in proper dilution.

At the time of initial attendance, a caregiver shall obtain a health record for each child in care. The record shall contain all of the following:

- (c) Information as to the immunization and boosters, if any, completed or in progress as recommended by the department of public health.

TECHNICAL ASSISTANCE

The day care provider is responsible and accountable for:

- Obtaining from the parent a statement addressing one of the following:
 - The child is presently receiving immunizations
 - The child is up-to-date on all immunizations
 - The child has received no immunizations
 - The child has received no immunizations due to a religious or other objection

NOTE: A copy or list of a child's immunization record is not required by this rule.

CONSULTATION

The following best practices are recommended:

- It is within the provider's discretion whether to accept children who do not have current immunizations.
- It is advisable to have an immunization policy that is communicated to parents.
- The provider may use the *Child in Care Statement (BRS-3900)* to record the information required by this rule (available on the Department's website).

R 400.1809**Health records of children in care.**

At the time of initial attendance, a caregiver shall obtain a health record for each child in care. The record shall contain all of the following:

- (e) A child whose parent, on religious grounds, objects to seeking emergency medical care, a physical examination, medical treatment or immunizations may be admitted to the home if the parent provides the home with a signed statement that the child appears to be in good health and that the parent assumes responsibility for the child's state of health while at the home, with the understanding that the parent be notified immediately when any treatment appears necessary.

CONSULTATION

The following best practices are recommended:

- It is within the provider's discretion whether to accept children who do not have current immunizations.
- It is advisable to have an immunization policy that is communicated to parents.

R 400.1810**Medication; administrative procedures.**

If medication is to be administered by a caregiver or assistant caregiver, all of the following procedures shall be followed:

- (a) Medication shall be given or applied only with prior written permission from a parent.

TECHNICAL ASSISTANCE

Medication includes prescription and non-prescription medicines.

The day care provider is responsible and accountable for:

- Assuring that written parental permission is obtained prior to administering medication for the first time and through the duration of the prescription, including refills.
- Assuring that a written statement giving blanket permission is obtained for non-prescription medicines, which includes anything applied to the skin or taken by mouth, e.g.; Tylenol, sunscreen, insect repellent, diaper rash ointment, etc.

NOTE: Day care providers are not required by this rule to dispense medication.

CONSULTATION

The following best practices are recommended:

- Caution should be exercised when administering aspirin or medication containing aspirin, such as Pepto Bismol, as a relationship exists between aspirin and Reyes Syndrome.
- The provider may use BRS 1243--*Medication Permission Form* (available on the Department's website).

R 400.1811**Communicable disease; exclusion of care-giving staff and day-care home family from contact with children required.**

A person who lives in a home or cares for children who has a suspected or a confirmed case of a communicable disease shall not come into contact with children in care.

CONSULTATION

Under Federal Law it is prohibited to share information regarding a household member or caregiver with a suspected or confirmed case of specific communicable disease, including HIV and Hepatitis B. The consultant should immediately discuss the situation with the area manager.

R 400.1812

Health records of care-giving staff and day-care home family; record maintenance.

- (1) A caregiver shall maintain a record that contains both of the following items:
- (a) For each care-giving staff member, a statement which is signed by a licensed physician or his or her designee and which attests to the health of the staff member. The statement shall be signed within the 12-month period before care giving and every 3 years thereafter.

TECHNICAL ASSISTANCE

Physician evaluations are acceptable from the following:

- A licensed M.D.
- A licensed D.O.
- A designee (physician assistant, nurse practitioner, or nurse) who works under and is supervised by a licensed physician.

CONSULTATION

Form BRS-3704 -- *Licensing Medical Request* may be used for the medical information.

Health records of care-giving staff and day-care home family; record maintenance.

- (1) A caregiver shall maintain a record that contains both of the following items:
 - (b) For all care-giving staff, and for other persons who are 14 years of age or older and who live in the home, written evidence of freedom from communicable tuberculosis that is verified with 1 year before caregiving and every 3 years thereafter.

TECHNICAL ASSISTANCE

Chest x-rays are acceptable in lieu of TB skin tests. However, if the chest x-ray is more than one year old, but less than three years old, a doctor's statement is required. The doctor's statement must indicate the individual is free from communicable TB and another chest x-ray is not advisable. A new chest x-ray would be required at least every three years.

Pregnant women are often advised by their doctors not to have a TB skin test or chest x-ray. In this case, the applicant/provider must submit a doctor's statement verifying this. The TB test would be required as soon as medically safe after delivery.

Rule 400.1813 Record maintenance, provision of rules to parents required.

- (1) A caregiver shall obtain all of the following information at the time of a child's initial attendance:
- (a) The child's full name, date of birth, date of admission, and date of discharge.
 - (b) The name of a parent or parents.
 - (c) The home address and telephone number of parent.
 - (d) The parent's or parents' business address, telephone number, and hours of employment.
 - (e) The name, address, and telephone number of the family physician or clinic and hospital preferred by the parent in an emergency.
 - (f) The name, address, and telephone number of another person to be notified in case of emergency.
 - (g) Health insurance identification information.
 - (h) The names of persons, other than a parent, to whom the child may be released.

TECHNICAL ASSISTANCE

The day care provider is responsible and accountable for:

- Assuring that the Child Information Card (BRS-3731) provided by the Department or a comparable substitute is used.
- Assuring that the child information is accurate and complete.

CONSULTATION

The following best practices are recommended:

- The rule does not require the form to be notarized.
- Child information should be updated regularly.
- All caregivers and emergency persons should know the location of child information in the absence of the licensee/registrant.

Rule 400.1813 Record maintenance, provision of rules to parents required.

- (1) A caregiver shall obtain all of the following information at the time of a child's initial attendance:
- (i) A child whose parent objects, on religious grounds, to providing physician, clinic, hospital, or health insurance information may be admitted to the home if the parent assumes responsibility for the child's state of health while at the home.

TECHNICAL ASSISTANCE

The day care provider is responsible and accountable for:

- Obtaining a written statement from the parent to be kept on file in the day care home.

R 400.1814**Indoor and outdoor space.**

- (1) A day-care home shall provide not less than 35 square feet per child of usable, accessible indoor floor space, exclusive of bathrooms and storage areas.

TECHNICAL ASSISTANCE

Capacity is determined by the total square footage of all approved child care areas. Space requirements are assessed per child, regardless of the child's age or the amount of time spent in the home in child care.

Bedrooms may be included if children are allowed access to that space at different times throughout the day. Beds may also be included if children are able to play and sleep on the bed.

R 400.1814 Indoor and outdoor space.

- (2) Only space that is approved for child use by the department may be used for child care.

TECHNICAL ASSISTANCE

The day care provider is responsible and accountable for:

- Obtaining prior permission from the Department before using space not previously approved and used by children.
- Requesting an on-site inspection by the consultant for new space to be approved.

R 400.1814 Indoor and outdoor space.

- (3) There shall not be more than 2 contiguous floors used by day-care children when only 1 caregiver is present.

TECHNICAL ASSISTANCE

In a tri-level home, all levels are considered to be contiguous.

R 400.1815 Nighttime care.

- (1) In a home where children are in care between the hours of 12 midnight and 6 a.m., not more than 2 floor levels shall be used at any one time to sleep children. These 2 floor levels shall be adjoining.

TECHNICAL ASSISTANCE

In a tri-level home, all levels are considered contiguous.

- (2) A day-care home that provides care for both child day care and foster care children shall not care for more than 8 children, including children who are under 17 years of age and who are related to the day-care provider by blood, marriage, adoption, or legal guardianship; foster children; and all other children who are cared for on a part-time or full-time basis.

TECHNICAL ASSISTANCE

A day care provider may care for no more than 8 children at any one time. The 8 children counted in this total include all of the following:

- Related children under the age of 17.
- Number of children shown on the foster care license.
- Number of day care children.

To determine the capacity of the family or group day care home if also licensed to provide foster care:

- Add up the number of related children under 17 years of age
- Add the number of children shown on the foster care license.
- Subtract that number from 8.
- If there is a remainder, this is the number of day care children for whom the provider may be licensed or registered.

The capacity of the license/registration may need to be reduced.

- Example A: There are 2 related children (under 17) and the provider is licensed for 2 foster care children. A certificate of registration may be issued for a maximum of 4 children if the provider is in compliance with all other rule requirements.
- Example B: A group day care home provider is also licensed for 1 foster care child. There are 0 children residing in the home under 17 years of age. The provider may have 7 day care children. A group day care home license may be issued for a maximum of 7 children if the provider is in compliance with all other rule requirements.

Note: R400.1803 Ratio of caregiving staff to children must be followed. When there are seven children under 7 years of age - a second caregiver must be present.

NOTE: According to a 1980 Attorney General's opinion, a day care provider may not be licensed for adult foster care and child day care in the same space. However, a provider may also be licensed for adult foster care **if** the adult foster care is provided somewhere other than the registered/licensed day care home.

- (1) Upon written request of an applicant or registrant, the department may grant a variance from an administrative rule if the alternative proposed provides clear and convincing evidence that the health, welfare, and safety of children is protected.

TECHNICAL ASSISTANCE

The day care provider is responsible and accountable for:

- Submitting a written request for a variance to a particular rule and the alternative proposed to meet the intent of the rule.
- Assuring that the alternative proposed does not compromise the safety of children.
- Assuring that the proposed change is not initiated until written confirmation is received approving the variance request.

Note: If the variance is requested on a rule regarding environmental health or fire safety, confirmation may be needed from an environmental health sanitarian or a fire safety authority regarding the proposed options.

- (1) Each child shall be provided with nutritional food to meet each child's needs for growth and development. Foods shall be provided so that excessively long periods between meals and snacks do not occur.

TECHNICAL ASSISTANCE

The day care provider is responsible and accountable for:

- Assuring that all meals and snacks are nutritional.

CONSULTATION

The following best practices are recommended:

- Children up to 24 months old who are not on formula should receive whole milk for growth and development, unless otherwise specified by a physician. Babies require the fat they receive from whole milk for brain tissue development, which skim milk and 2% milk do not provide.
- Caution should be exercised if powdered milk is used to assure that it is prepared in the proper proportions and in a safe manner.
- Meals and snacks should be provided to children based on:
 - Individual needs of children
 - Ages of the children
 - Length of time between meals and snacks
- Children should not go more than 2 1/2 hours without being offered a snack or meal unless they are sleeping.
- There are various USDA-administered food programs throughout the state that provide nutritional information and guidelines, and partial reimbursement for food expenditures to eligible participants.
- BRS PUBLICATION 242--*Snacks That Count* (Available on the Department's website).

R 400.1821 Food.

(2) Food shall be prepared and stored in a safe manner.

TECHNICAL ASSISTANCE

The day care provider is responsible and accountable for:

- Assuring that food is prepared on a clean, sanitized surface.
- Assuring that food items that require refrigeration are refrigerated or kept in thermal containers capable of keeping the food cold.
- Assuring that all foods, including lunches, are protected from potential contamination at all times. Foods should not be stored near toxic or poisonous materials, or under exposed or unprotected sewer lines.

CONSULTATION

The following best practices are recommended:

- The provider should assure that food is served on a clean, sanitized surface.
- "Home canned" foods should be canned in accordance with the latest Cooperative Extension Service/Health Department guidelines for home canned food preparation.

R 400.1821 Food.

- (3) If a parent has agreed to provide the food, the caregiver shall have a written agreement from the parent and shall be responsible for providing adequate food if the parent does not.

CONSULTATION

The following best practices are recommended:

The provider may discuss proper nutrition with parents when necessary.
The provider may use the *Child in Care Statement (BRS-3900)* to record the information required by this rule (available on the Department's website).

R 400.1821 Food.

- (4) When home-canned foods and unpasteurized milk products are served, parents shall be informed.

TECHNICAL ASSISTANCE

NOTE: Properly processed and prepared fish and wild game are considered to be acceptable under this rule.

CONSULTATION

The following best practice are recommended:
"Home canned" foods should be canned in accordance with the latest Cooperative Extension Service/Health Department guidelines for home canned food preparation.

- (1) The structure, premises, and furnishings of a day-care home shall be maintained in a clean, safe, and comfortable condition.

TECHNICAL ASSISTANCE

NOTE: The consultant is responsible for assessing all areas of the home and premises, not just space used for child care, for safety.

The provider is responsible and accountable for assessing the following in day care use areas (this list is not all inclusive):

INSIDE THE HOME

- Overall cleanliness and odor of rooms.
- Temperature is at a comfortable level.
- Floors are safe for walking, crawling, and playing.
- Carpets where children play are immediately cleaned when contaminated with saliva, vomit, feces, urine, nasal discharge or other bodily discharges.
- Rooms are free of unnecessary clutter.
- All furnishings accessible to children are sturdy and in good repair.
- Electrical outlets safely covered.
- All cords (drapes, blinds, appliances) out of reach of children.
- Water temperature is not too hot (health department guideline is 120 degrees or less).
- Litter boxes and pet food dishes located away from child-use areas.
- Trash and garbage inaccessible to children.
- Fireplace hearths or other structures or furnishings with sharp corners or hard surfaces are protected.
- Home is free of insects and rodents.

OUTSIDE THE HOME

- If garages or storage structures are accessible to children, the provider is responsible for assuring that all potentially hazardous materials or equipment are not accessible to children.
- Yard is free of hazards, such as standing water or tripping hazards.
- Yard is free of clutter, debris, trash, animal waste, and garbage.
- Outdoor play area protected from hazards such as busy roads, water, railroad tracks, electric fence, etc.

WATER HAZARDS

- A water hazard is any area in which water accumulates to a level in which a child can drown. Examples of accumulations of water are:

swimming pools	wading pools
ponds	streams
lakes	rivers
canals	decorative landscape ponds
ditches or drains	hot tubs/spas

- When a water hazard is present, either the play area or water hazard must be protected. Protection may be provided by the use of a natural or man-made barrier, enclosure, or other protective covering (e.g., a fence, wall, building, hedge, cover, or other protective enclosure). Assure that barriers are:
 - free of ready footing for climbing
 - free of any openings a child can get through
 - free of objects that enable children to gain access to the water (steps, ladders, pump mechanisms, etc.)
- Wading pools should be emptied daily and immediately after any contamination.

CONSULTATION

The following best practices are recommended:

- Any barrier protecting the play area from a water hazard should be:
 - at least 4 feet high
 - gates into the protected area when the area is not in use should be locked with a lock that a child cannot operate
 - hot tubs/spas should have locking hard cover
- Pools should be treated chemically according to the manufacturer's guidelines.
- Providers who have pets shall assure that the pets are safe around children.
- BRS PUBLICATION 685--*ANIMALS AND CHILDREN: Friends or Foes?* (Available on the Department's website)

- (2) All dangerous and hazardous materials or items shall be stored securely and out of the reach of children.

TECHNICAL ASSISTANCE

The day care provider is responsible and accountable for:

- Assuring that all guns, ammunition and other weapons such as bows, arrows, and knives are stored so that they are inaccessible to children.
- Assuring that guns are stored in a locked location, such as a cabinet or a case.
- Assuring that hazardous materials such as cleaning supplies, sharp objects, plastic bags, kitchen wrap boxes with serrated edges, alcohol, pesticides, fertilizers, and chemicals are inaccessible to children.

CONSULTATION

The following best practices are recommended:

- Ammunition should be stored in a separate location away from guns.
- Trigger locks on guns provide another level of protection.

- (3) All steps, stairs, porches, and elevated structures to which children in care have access shall be protected to prevent falls.

TECHNICAL ASSISTANCE

The day care provider is responsible and accountable for:

- Ensuring that all steps, stairs, porches, and elevated structures, including decks, used by children have railings to prevent falls.
- Ensuring that steps, stairs, porches, elevated structures, including decks – and protective railings – do not contain openings sufficient to allow children to fall through.

CONSULTATION

The following best practices are recommended:

- Doors, gates, or other barriers may be required to prevent child access to steps or stairs.
- Consider the ages of the children in care when determining if a stairway requires additional protection devices.
- A variety of materials are available to use as protective barriers: lattice, netting, additional spindles, etc.

R 400.1822 Home maintenance and safety; ventilation; bathroom facilities; water supply; sewage disposal.

(6) The water supply shall be from an approved source.

TECHNICAL ASSISTANCE

- Health Department findings and recommendations are considered when determining compliance.
- Water with a high nitrate level (10 parts per million or more), or the presence of coliform or e-coli bacteria, is unsafe.
- If the presence of these contaminants cannot be eliminated, a variance for the use of bottled water is required and parents must be notified.

R 400.1831 Heat-producing equipment.

- (1) All of the following items shall be maintained in a safe condition and shielded to protect against burns:
- (a) A furnace.
 - (b) A water heater.
 - (c) Fireplaces.
 - (d) Pipes.
 - (e) Woodburning stoves.
 - (f) Other flame-producing or heat-producing equipment.

TECHNICAL ASSISTANCE

The provider is responsible and accountable for:

- Assuring that the barrier used to shield the heating equipment does not get hot.
- Assuring that the barrier used to shield the heating equipment is stable and does not allow access of children to any part of the equipment.
- Assuring that children do not have access to the pilot light on the gas heating equipment.

NOTE: Heat can be retained for as long as 20 hours after the use of a wood burner, creating a potential hazard for young children.

R 400.1831 Heat-producing equipment.

(2) Combustible materials and equipment shall not be stored within 4 feet of heat plants or combustible hot water heaters.

TECHNICAL ASSISTANCE

- Combustible material and equipment means anything that will burn. A combustible hot water heater is one fueled by gas.
- Permanent structures within 4 feet of the furnace or hot water heater, such as walls, permanently attached shelves, workbenches, etc. do not need to be moved. However, any combustible contents of these structures do need to be moved.

CONSULTATION

The following best practices are recommended:

- Furnaces and combustible water heaters require air around them to breathe and provide safe combustion.

R 400.1831 Heat-producing equipment.

- (4) Furnaces or other flame or heat-producing equipment shall be inspected by any of the following entities:
- (a) A licensed heating contractor.
 - (b) A qualified fire inspector.
 - (c) An insurance company.
 - (d) The department of labor.
 - (e) A local building inspector.

TECHNICAL ASSISTANCE

- In addition to furnaces and wood-burning stoves, the following other flame or heat-producing equipment requires an inspection if used during day care hours:
 - Built-in space heaters
 - Fireplaces (wood or gas)
 - Fireplace insert burners
- For newly built homes, the occupancy permit is acceptable in lieu of an inspection.
- For newly installed furnaces, installation documentation by a licensed heating contractor is acceptable in lieu of an inspection.
- For newly installed furnaces where installation documentation is not available, the provider can submit a written statement that the final inspection sticker on the furnace is available for verification by the consultant during the onsite inspection. (This does not apply to DF renewals, as no inspection is conducted).
- Electric baseboard heat does not require an inspection.

NOTE: A private home inspection does not meet the intent of this rule unless the inspector is licensed as a heating contractor.

CONSULTATION

- Licensed heating contractors can be found in the Yellow Pages.
- The Department of Labor no longer exists. The inspecting authority is the Department of Labor and Economic Growth, Bureau of Construction Codes. This approval permit replaces a Department of Labor certificate of approval.

R 400.1831 Heat-producing equipment.

- (5) For group day-care homes, the inspection specified in subrule (4) of this rule shall be conducted before a license is issued and every 2 years thereafter at the time of renewal. For family day-care homes, the inspection specified in subrule (4) of this rule shall be conducted before the 90-day on-site visit and every 3 years thereafter at the time of renewal.

TECHNICAL ASSISTANCE

- If a home had a furnace inspection within 1 year prior to registration, that report is acceptable. The next inspection is due upon renewal.
- For a new group home, a new furnace inspection is not required at the 6 month (provisional to regular license) renewal.
- Refer to 1831(4) Technical Assistance for furnace inspection documentation information.

Rule 400.1832 Electrical service; maintenance.

The electrical service of a day-care home shall be maintained in a safe condition.

CONSULTATION

Possible indicators of an electrical problem may include, but are not limited to:

- z Exposed or stripped wires
- z Burned wiring
- z Buzzing sound at the electrical box
- z Inappropriate/misuse of extension cords, especially when used in lieu of permanent wiring.

R 400.1833**Exits; location and maintenance; use of certain space for child care prohibited.**

- (1) There shall be 2 exits in each day-care home from each floor level used by children. The exits shall be remote from each other. At least 1 exit from each floor level shall provide a direct, safe means of unobstructed travel to the outside at street or ground level.

TECHNICAL ASSISTANCE

- When children use other than the main level for play or sleeping, the provider is responsible for explaining what the plans are for safe exiting from each floor used for child care.
- The evacuation plan is based on the children's ages, activity, mobility, and supervision after exiting.
- Exits include doors and may include windows.
- Locked doors should be easily openable and not require a key to open.
- The window used as an exit should open into an area that permits those exiting to reach the ground at grade in a safe manner. [See subsection (2) of this rule for specifics].
- All windows used for exiting on the second floor should be marked on the inside and outside of the window.

- (2) A window may be used as a second exit if it is in compliance with all of the following provisions:
- (a) Is accessible to children and caregivers.
 - (b) Is clearly identified.
 - (c) Can be readily opened.
 - (d) Is of a size and design to allow for the evacuation of children and caregivers.

TECHNICAL ASSISTANCE

The day care provider is responsible and accountable for:

- Assuring that the window is **accessible** i.e., the means used to reach the window exit are permanently in place. This can be achieved by securing it to the wall unless the weight of it prevents it from being easily moved.
- Assuring the window is large enough to accommodate all caregivers and children.
- The window exit must be readily openable from the inside without the use of tools.
- The window should be side-hinged or top-hinged to allow for a clear opening during evacuation.
- The window must be clearly identified as an emergency exit.
- The window should open into an area that permits those exiting to reach the ground at grade in a safe manner.
- The window exit should be identified as a means of egress on the evacuation plans.

CONSULTATION

To assure for the safe exit of children from a basement egress window, the following best practices are recommended:

- A good rule of thumb for safely exiting a basement through a window is 1 to 2 minutes.
- The consultant may request the provider demonstrate that she and the children can safely exit from the basement window.

R 400.1833**Exits; location and maintenance; use of certain space for child care prohibited.**

- (4) When children in care occupy a level of a home that is above the second floor, the building shall be of 1-hour-fire-resistive construction and shall have 2 stairways to ground level. At least 1 of the required stairways and all other vertical openings shall be enclosed by, at a minimum, 1-hour-fire-resistive construction to provide a protected means of egress direct to the outside at ground level.

TECHNICAL ASSISTANCE

In an apartment building, one exit may be a fire escape; the other exit may be the door of the apartment or an evacuation window. In a single family dwelling, above the second floor means more than two stories above ground level. Tri-level homes are not included.

R 400.1834 Smoke detectors; fire extinguishers.

At least 1 single-station smoke detector that is approved by a nationally recognized testing laboratory shall be installed and maintained as follows:

- (a) On each floor of the home, including the basement.
- (b) Where a sleeping or resting area exists on a floor, that floor level's smoke detector shall be installed between the sleeping area and the rest of that floor.
- (c) Heat detectors may be utilized in kitchens.

TECHNICAL ASSISTANCE

The day care provider is responsible and accountable for:

- Assuring that smoke detectors are installed according to the manufacturer's recommendations.
- Assuring that the smoke detector is functional. Test your smoke detector frequently!

R 400.1834**Smoke detectors; fire extinguishers.**

At least 1 single-station smoke detector that is approved by a nationally recognized testing laboratory shall be installed and maintained as follows:

- (d) A home shall have at least 1 functioning multipurpose fire extinguisher, with a rating of not less than 2A-10BC, properly mounted on each floor that is used by children in care.

TECHNICAL ASSISTANCE

The day care provider is responsible and accountable for:

- Assuring that the caregiving staff are familiar with the operation of the extinguishers.
- Assuring that the gauge on the extinguisher has not gone from green to red.
- Assuring that the pin remains in place.
- Assuring that the hose and nozzle do not leak.
- Assuring that the extinguisher is mounted properly according to the manufacturer's directions.

NOTE: A "Halon" extinguisher is acceptable if it has the required "2A -10BC" rating.

CONSULTATION

The extinguisher should be placed in a conspicuous location with the following specifications:

- Caregiving staff should not have to go more than 75 feet to reach it.
- It should be in a normal means of egress.
- If it is over 40 pounds, the top should be 3½ feet from the floor.
- The bottom must be 6 inches off the floor.

R 400.1835**Establishment of evacuation and care plan required.**

(1) A written plan for the evacuation and care of children shall be established and posted for each of the following emergencies:

- (a) Fire.
- (b) Tornado.
- (c) Serious accident or injury.

TECHNICAL ASSISTANCE

The day care provider is responsible and accountable for:

- Assuring that the fire plan includes:
 - A floor plan showing the location of the nearest exits, including any window used as a second exit.
 - Locations of smoke detectors and fire extinguishers.
 - A designated meeting place.
 - A description of the duties and responsibilities of adult caregivers and volunteers.
- Assuring that the tornado plan includes:
 - A floor plan showing the location where adults and children should take cover.
 - A description of the duties and responsibilities of adult caregivers and volunteers.
- Assuring that the serious accident/injury plan includes the process used for seeking help for the victim as well as the other children in care.
- Assuring that fire drill practices include exiting through the basement window exit.
- Assuring that evacuation plans are posted on each floor being used by children.

CONSULTATION

The emergency plan should include:

- Phone numbers for emergency personnel, including Poison Control.
- Phone number of designated emergency person.
- Location of child information records.
- Location of emergency supplies.
- Specific plans for evacuation of infants, toddlers, and children with disabilities.

The provider should consider the possibility that they may not be present at the time of an emergency when formulating their emergency plans.

R 400.1835 Establishment of evacuation and care plan required.

- (3) Fire and tornado drill programs shall be established and practiced. Fire drills shall be practiced at least once every 3 months and tornado drills shall be practiced during tornado season.

TECHNICAL ASSISTANCE

The day care provider is responsible and accountable for:
Assuring that fire drill practices include exiting through the basement window exit.

R 400.1835 Establishment of evacuation and care plan required.

(5) A bell, whistle, or horn shall be provided as a fire alarm and shall not be used for any other purpose.

TECHNICAL ASSISTANCE

The day care provider is responsible and accountable for:

- Assuring that the designated alarm is kept in a consistent place, out of children's reach.
- Assuring that an alarm is accessible on each floor used for child care.

CONSULTATION

- The smoke detector alarm is an approved signal for fire drills.
- If the provider chooses to have a signal for tornado alarms, it must be different than the signal for fire alarms.

R 400.1841 Transportation.

(3) The transportation of all children shall be conducted in accordance with existing state law. All other persons, including children over the age of 4, shall be properly restrained by safety belts.

TECHNICAL ASSISTANCE

The day care provider is responsible and accountable for:

- Assuring that children are properly restrained by placing only one child per seat belt.

Current state law on safety belt and child restraint requirements can be found at www.michiganlegislature.org (MCL 257.710d and 257.710e).

R 400.1842 Field trips, parent permission and notification required.

At the time of a child's initial attendance or before each field trip, a caregiver shall obtain, and keep on file, written permission from a child's parent for the child's participation in field trips.

TECHNICAL ASSISTANCE

Per R400.1801 (h), Definitions, a field trip is defined as “an excursion, trip or program activity that requires the use of vehicles or public transportation.” This would include any time that children accompany caregiving staff on shopping trips, running errands or picking up children from school.

CONSULTATION

The following best practices are recommended:

- Because some providers take children on walking field trips to the library, park, fire station, etc., parents should know where their children can be reached at all times.
- Child Information Records should be taken any time children are off premises.

R 400.1851 Training.

With respect to day-care homes, a caregiver shall comply with all of the following provisions:

- (a) A family day-care home caregiver shall have completed, or shall complete within 3 years of being registered or from the effective date of these rules, first aid training and infant and child cardiopulmonary resuscitation.

TECHNICAL ASSISTANCE

- Infant/child CPR covers children less than 9 years of age.
- Adult CPR covers children 9 years of age and older.
- First Aid/CPR training must be received from a person certified as a Red Cross instructor or a trainer approved by the Department. (See the Agency's web site for current list of approved providers).
- Providers who have had specific training in First Aid/CPR as part of their training as a health professional may request an exemption. Included are:
 - Licensed practical or registered nurses
 - Nurse practitioners
 - Emergency Medical Technicians
 - Physicians
 - Physicians Assistants
 - Other state certified medical professionals

CONSULTATION

The following best practices are recommended:

- Although family day care home providers are not required by rule to renew or update this training, it is highly recommended.

R 400.1851 Training.

With respect to day-care homes, a caregiver shall comply with all of the following provisions:

- (b) A group day-care home caregiver shall have completed, or shall complete within 2 years of being licensed or from the effective date of these rules, 20 clock hours of training related to caring for children. The 20 clock hours of training shall include first aid training, infant and child cardiopulmonary resuscitation, and not less than 8 hours in the area of child development. Training hours may include participation in any of the following:
 - (i) Sessions offered by community groups, churches, and day-care home associations.
 - (ii) Conferences on early childhood or child development.
 - (iii) Workshops and courses offered by local or intermediate school districts, colleges, and universities.

TECHNICAL ASSISTANCE

A new group day care home provider (who does not have 20 hours of training and/or the 8 hours in child development) has 2 years from the date of his/her original license to complete the required 20 hours of training. Once the 20 hours has been attained no further training is required except for maintaining current CPR and First Aid.

8 hours of the required 20 hours can be given for CPR/First Aid training.

2 hours of the required 20 hours can be given for completion of orientation.

The following will fulfill the 8 hours required in the area of child development:

- degree in Education
- CDA credential
- training sessions provided by licensing consultants or other professionals
- proof of college courses in child development

Training topics may include but are not limited to:

- child development – language, social, emotional, physical, intellectual
- programming for various age groups – e.g., math, science, dramatic play, art
- managing children's behavior
- health and safety
- nutrition for young children*
- caring for children with special needs
- Make It - Take It workshops on games and toys

*Instruction from child care food program staff may be included as meeting requirements toward the 8 hours of child development training. However, not more than 1 hour credit will be allowed and will require written verification from the food program representative.